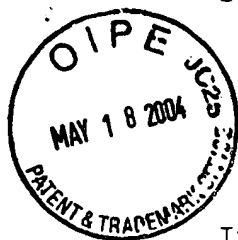


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"PATENT APPLICATION"



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Board of Patent Appeals and Interferences

In re Application of

WILLIAM V. GOODHUE ET AL

U.S. Serial No. 09/877,036

Filed: June 11, 2001

SCREW GUN

Group Art Unit 3723

J. Smith, Examiner

Alexandria, Virginia
May 18, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22314-1450

REPLY BRIEF

Dear Sir:

Applicants respectfully submit this Reply Brief to the Examiner's Answer mailed March 18, 2004.

In response to applicants' Brief On Appeal, the Examiner's Answer has now indicated that previously rejected claims 2-14 and 16-31 would be allowable if rewritten in independent form so as not to be dependent on a rejected base claim and that claims 69-93 are allowed. In response thereto, applicants filed an Amendment Under 37 C.F.R. 1.116 on March 26, 2004 to place this application in condition for allowance.

Specifically, the amendment filed on March 26, 2004 cancels rejected claim 1 and rewrites claims 2-14, 16-31 and 68 so as not to be dependent on a rejected base claim. Thus, only claims indicated to be allowable and

5411/USSN 09/877,036
Group Art Unit 3723

allowed remain in the case. Applicants respectfully submit that the amendment can be properly considered and entered at this time since the claims were indicated to be allowable or allowed for the first time in the Examiner's Answer and no rejected claims remain in the case, thus rendering the issues on appeal moot.

Accordingly, based on the above, the application is now in condition for allowance. However, if the examiner does not enter the amendment, applicants respectfully submit that the claims are allowable for the reasons set forth in their Brief On Appeal. With respect to the §102 rejections, the sole remaining rejections, applicants respectfully submit that the examiner has not made a prima facie showing that each and every element of claims 1 and 68 are disclosed in the cited references.

Entry of the amendment is respectfully requested. In the alternative, reversal of the examiner's rejections is respectfully urged.

Respectfully submitted,

WILLIAM V. GOODHUE ET AL



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